

ANALYSIS

This ordinance amends Sections 7.54.010, 7.54.060, 7.54.080, 7.54.200, 7.54.210, and 7.54.260 of Title 7 – Business Licenses, of the Los Angeles County Code to conform to revisions to California Business and Professions Code section 4600 et seq., and Government Code section 51034. The amendments include: (1) adding the California Massage Therapy Council ("CAMTC") to the list of definitions; (2) allowing CAMTC-certified massage therapists to be employed or used by licensed massage establishments; (3) creating an exception for certain types of businesses that are not required to keep the external doors of their massage businesses unlocked during business hours; (4) creating an exception for CAMTC-certified massage technicians from obtaining a County massage technician license; (5) amending the definition of "massage technician"; and (6) revising the clothing requirements for massage patrons and massage technicians.

MARY C. WICKHAM
Interim County Counsel

By 
SAYUJ PANICKER
Deputy County Counsel
Government Services Division

SP:mv

Requested: 8/19/2015
Revised: 9/01/2015

ORDINANCE NO. 2016-0001

An ordinance amending Title 7 – Business Licenses, of the Los Angeles County Code relating to the business licensing of massage establishments and technicians.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 7.54.010 is hereby amended to read as follows:

7.54.010 Definitions.

As used in this chapter:

"CAMTC" means the California Massage Therapy Council, created pursuant to the Massage Therapy Act (California Business and Professions Code section 4600 et seq.), and which is authorized to issue certifications to massage practitioners and massage therapists, who have satisfied the requirements for certification.

"Massage parlor" means any premises where "massage" or "massage services" are given.

"Massage" and "massage services" mean and shall include any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, manipulation, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations.

"Massage" and "massage services" shall further include any bath, facial massage, fomentations, massage, electric or magnetic treatment, acupressure, shiatsu, alcohol rubs, and Russian, Swedish, or Turkish baths.

SECTION 2. Section 7.54.060 is hereby amended to read as follows:

**7.54.060 Employment of ~~u~~Unlicensed ~~m~~Massage ~~t~~Technicians ~~and~~
Non-CAMTC-Certified Massage Technicians ~~p~~Prohibited.**

A licensee or person required by this Part 1 to obtain a license shall not hire or employ a massage technician unless such massage technician possesses a valid, subsisting license required by Part 2 of this Chapter, or unless such massage technician possesses a valid and current CAMTC certification.

SECTION 3. Section 7.54.080 is hereby amended to read as follows:

7.54.080 Site ~~r~~Requirements.

No massage or massage services shall be given in a business or premises licensed pursuant to this ~~e~~Chapter, or in an establishment providing acupressure, shiatsu, skin care, body wrap or the like within any cubicle, room, booth, or other area which is fitted with a door capable of being locked. The premises' exterior doors and the doors separating the waiting or reception area from the remainder of the premises shall remain unlocked during business hours (including electric locking devices), unless the massage parlor is a business entity owned by one individual with one or no employees or independent contractors.

SECTION 4. Section 7.54.200 is hereby amended to read as follows:

7.54.200 Massage ~~t~~Technician ~~d~~Defined.

A. As used in Part 1 and Part 2 of this ~~e~~Chapter, "massage technician" means any of the following:

1. aAny persons, male or female, who administer to any person, for any form of consideration or gratuity, a "massage" or "massage services" as defined in Section 7.54.010 of this eChapter. A "massage technician" includes a student at a school of massage who administers a massage or massage services to any person who pays for or gives a gratuity for such, whether the payment or gratuity is to such student or to the school, or;

2. A massage practitioner who is certified by the CAMTC pursuant to section 4604.2 of the Business and Professions Code, and who administers massage for compensation, or

3. A massage therapist who is certified by the CAMTC under section 4604 of the Business and Professions Code, and who administers massage for compensation.

B. As used in this Part 2 "recognized school" means any school or institution of learning, which school or institution of learning has been approved pursuant to Section 29025 of the Education Code of the state of California, and which has for its purpose the teaching of the theory, method, profession, practice or work of a massage technician.

SECTION 5. Section 7.54.210 is hereby amended to read as follows:

7.54.210 License—Required.

Every massage technician shall first procure a license and pay a license fee in the amount set forth in Section 7.14.010 of this Title, under the appropriate heading, unless the massage technician possesses a valid and current CAMTC certificate.

SECTION 6. Section 7.54.260 is hereby amended to read as follows:

7.54.260 Clothing—Required.

No massage or massage services may be administered unless the patron's wears clothing which covers the patron's genitalias, and if the patron is female, the breasts, are covered to the extent permitted by Government Code section 51034(c)(4). The massage technician shall at all times while on the premises of the establishment, be clean, and wear nontransparent outer garments covering the body from knee to neck in a manner that does not violate Business and Professions Code section 4609(a)(10).

[754260SPCC]

SECTION 7. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Hilda F. Solis
Chair

ATTEST:

Patrick Ogawa
Patrick Ogawa
Acting Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of January 5, 2016 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

	<u>Ayes</u>	<u>Noes</u>
Supervisors	<u>Hilda Solis</u>	<u>Supervisors None</u>
	<u>Mark Ridley-Thomas</u>	
	<u>Don Knabe</u>	
	<u>Michael D. Antonovich</u>	

Effective Date: February 4, 2016

Operative Date: _____

Patrick Ogawa
Patrick Ogawa
Acting Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

PATRICK OGAWA
Acting Executive Officer
Clerk of the Board of Supervisors

By Ante
Deputy



APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By Lester J. Tolnai
Lester J. Tolnai
Acting Chief Deputy County Counsel